

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DARCY DUNCAN,

Plaintiff,

- vs -

C.R. BARD INC., BARD PERIPHERAL VASCULAR
INCORPORATED, MCKESSON CORPORATION, and
DOES 1-100,

Defendants.

Case No.
5:20-cv-01045 (GTS/ML)

**STIPULATION AND ORDER DISMISSING CLAIMS AGAINST
MCKESSON CORPORATION WITHOUT PREJUDICE**

Plaintiff Darcy Duncan and Defendants C. R. Bard, Inc., Bard Peripheral Vascular, Inc., and McKesson Corporation stipulate that pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, whereas no party hereto is an infant or incompetent person, the Complaint and all causes of action against Defendant McKesson Corporation are dismissed without prejudice, with each party to bear its own costs and fees.

Further, the parties agree that going forward the caption of the action shall be hereby amended as follows:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DARCY DUNCAN,

Plaintiff,

- vs -

C.R. BARD INC., BARD PERIPHERAL VASCULAR
INCORPORATED, and DOES 1-100,

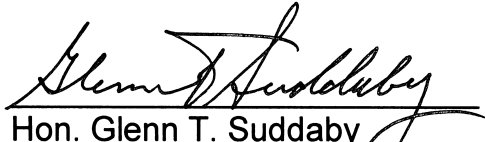
Defendants.

Case No.
5:20-cv-01045 (GTS/ML)

DATED this 9th day of September, 2020.

<p>FEARS NACHAWATI, PLLC</p> <p>By: <u>/s/Steven Schulte</u> Steven Schulte, Esq. Eric Przbysz, Esq. 5473 Blair Road Dallas, TX 75231 Tel: (214) 890-0711 E-mail: schulte@fnlawfirm.com ericp@fnlawfirm.com</p> <p><i>Attorneys for Plaintiff</i></p>	<p>NIXON PEABODY LLP</p> <p>By: <u>/s/Vivian M. Quinn</u> Vivian M. Quinn, Esq. Bar Roll No. 509083 40 Fountain Plaza, Suite 500 Buffalo, New York 14202 Tel: (716) 853-8100 E-mail: vquinn@nixonpeabody.com</p> <p><i>Attorneys for Defendants C.R. Bard, Inc., Bard Peripheral Vascular, Inc., and McKesson Corporation</i></p>
---	---

SO ORDERED:


Hon. Glenn T. Suddaby
Chief U.S. District Judge

Dated: September 9, 2020